

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LOVELL FARRIS, SCHAFER
INVESTMENTS, LLC, A Michigan Limited
Liability Company,

Plaintiffs,

Civil Action No.

Honorable

vs.

JPMORGAN CHASE BANK, N.A., A New
York Corporation, WASHINGTON
MUTUAL BANK, INC., A former New York
Corporation, LPS FIELD SERVICES, INC.,
A Foreign Profit Corporation, FIDELITY
INFORMATION SERVICES, INC., A
Foreign Profit Corporation, JOHN DOE ONE,
individually, JOHN DOE TWO, Individually,
jointly and severally,

Defendants.

Valerie Moran (P56498)
The Moran Law Firm
Attorney for Plaintiffs
115 N. Center, Suite 203
Northville, MI 48167
(248) 465-9400
Email: vmoranatty@aol.com

Joseph H. Hickey (P41664)
Paul L. Nystrom (P57067)
Dykema Gossett PLLC
Attorneys for JPMorgan Chase Bank, N.A.
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0700
Email: jhickey@dykema.com
pnystrom@dykema.com

NOTICE OF REMOVAL TO FEDERAL COURT

TO: Clerk of the Court
Valerie Moran, Esq.

Defendant JPMorgan Chase Bank, N.A. ("Chase"), by and through its attorneys, Dykema
Gossett PLLC, hereby removes this action from the Oakland County Circuit Court to the United

States District Court for the Eastern District of Michigan, Southern Division. In support of this Notice of Removal, Chase states as follows:

1. On or about April 26, 2010, this action was commenced against Chase in the Oakland County Circuit Court. Copies of the Summons, Complaint and Jury Demand are attached hereto as Exhibit A.

2. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is clearly filed within thirty (30) days of the first date upon which Chase received notice of the pleadings setting forth the claims for relief upon which this removal is based.

3. This case is a civil action for which this Court has original diversity jurisdiction pursuant to 28 U.S.C. § 1332, because, as set forth more fully below, the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest, costs and attorney fees, and this action is between citizens of different states.

4. Plaintiffs and Defendants are citizens of different states as described below:

- a. In Paragraph 1 of the Complaint, Plaintiff Lovell Farris admits that he is a resident of Oakland County, Michigan. (See Complaint, Exhibit A, ¶1).
- b. In Paragraph 2 of the Complaint, Plaintiff Schaffer Investments, LLC admits that it is a Michigan Limited Liability Company and that Plaintiff Lovell Farris is a member. The citizenship of an LLC is determined by the citizenship of its members. *Vericorr Packaging, LLC v Osiris Innovations Group, LLC*, 501 F.Supp. 2d 989, 991-93 (E.D. Mich. 2007). As stated, Mr. Farris is a resident of Oakland County. Upon information and belief, there are no other members of Schaffer Investments, LLC.
- c. At the time this action was commenced, and at all times since, including at the time this Notice of Removal is filed, Chase is a national banking association with its principal place of business in Ohio. For diversity purposes, national banking associations are deemed citizens of the states designated in their articles of association as their main office. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303 (2006) (citing 28 U.S.C. § 1348). Accordingly, Chase was and is a citizen of the State of Ohio, and is not now and never has been a citizen of the State of Michigan, where this action was brought, within the meaning of 28 U.S.C. § 1332(c).

- d. Upon information and belief, Defendant LPS Field Services, Inc. ("LPS") is a corporation organized under the laws of Delaware, with its principal place of business in Ohio. See Exhibit B, corporate information of LPS, including ¶6 of Answer filed by LPS in case no. 2:09-CV-14094 between these parties.
- e. Upon information and belief, defendant Fidelity Information Services, Inc. ("Fidelity") is a corporation organized under the laws of Arkansas with its principal place of business in Arkansas. See Exhibit C, copy of Fidelity's corporate information from the Arkansas Secretary of State's website and the State of Michigan's Department of Energy, Labor & Economic Growth website. While a corporation can be a citizen of two states: (1) its state of incorporation, and (2) the state of its principal place of business, *Freeman v. Unisys Corp.*, 870 F.Supp. 169, 172 (E.D. Mich. 1994) (citing 28 U.S.C. § 1332(c)), Fidelity is a citizen of Arkansas only.
- f. It is unclear whether Plaintiffs seek to name Washington Mutual, Inc. or Washington Mutual Bank, FA as defendant. Upon information and belief, Washington Mutual, Inc., improperly identified by Plaintiffs as Washington Mutual Bank, Inc., is a savings and loan bank holding company and it filed for bankruptcy protection in September 2008. Upon information and belief, Washington Mutual, Inc. was incorporated in the State of Washington and its corporate headquarters are located in Seattle, Washington. See Exhibit D, copy of Washington Mutual, Inc.'s corporate information. Washington Mutual, Inc. is the former owner of Washington Mutual Bank, FA. Chase purchased the loans and other assets of Washington Mutual Bank, FA from the Federal Deposit Insurance Corporation, acting as receiver for Washington Mutual Bank, FA and pursuant to its authority under the Federal Deposit Insurance Act, 12 U.S.C. §1821(d). Upon information and belief, Washington Mutual Bank, FA was incorporated in California and has its principal place of business in California. See Exhibit E, corporate information of Washington Mutual Bank, FA.
- g. While Plaintiffs name "John Doe One" and "John Doe Two" as defendants, these persons have not been identified and they are not parties to this action. The citizenship of Defendants sued under fictitious names is disregarded for removal purposes, 28 U.S.C. § 1441(a). The inclusion of "Doe" defendants in a state court complaint has no effect on removability. Schwarzer, Tashim & Wagstaffe, RUTTER GROUP PRAC. GUIDE: FED. CIV. PRO. BEFORE TRIAL ¶¶ 2:688-2:689.2 (The Rutter Group 2009). In determining whether diversity of citizenship exists, only the named defendants are considered. *Newcombe v. Adolf Coors Co.*, 157 F.3d 686, 690-91 (9th Cir. 1998). See also *Alexander v. Electronic Data Systems, Inc.*, 13 F.3d 940, 948 (6th Cir. 1994) ("It is clear that 'Jane Doe' is a fictitious name . . . and plaintiff never identified the alleged person who was EDS' Personnel Manager in Michigan in [sic] within the time

period covered. Section 1441(a) compels that this 'named' defendant be disregarded for purposes of diversity jurisdiction."); *Universal Communication Systems, Inc. v. Lycos, Inc.*, 478 F.3d 413, 426 n. 10 (1st Cir. 2007); *Australian Gold, Inc. v. Hatfield*, 436 F.3d 1228, 1235 (10th Cir. 2006).

5. Thus, complete diversity exists because Plaintiffs are citizens of Michigan, Chase is a citizen of Ohio, Defendant LPS is a citizen of Delaware and Ohio, Defendant Fidelity is a citizen of Arkansas, and Defendant Washington Mutual Bank, Inc. is in bankruptcy and is a Citizen of Washington or California in any event, depending on which entity Plaintiffs seek to name.

6. Pursuant to L.R. 81.1(a) and (b) and 28 U.S.C. § 1332(a), the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest, costs and attorneys fees. Consistent with state court practice, Plaintiffs' Complaint does not specify the precise sum sought as damages. However, Plaintiffs seek "an amount in excess of \$75,000.00 resulting from defendants [sic] intentional and malicious actions." (See Complaint, Exhibit A, ¶57)

7. A Notice of Filing Notice of Removal and a copy of this Notice of Removal to Federal Court have been filed with the Oakland County Circuit Court as required by 28 U.S.C. § 1446(d) and copies of the same have been served upon counsel for the parties as verified by the attached proof of service.

8. Based upon the foregoing, Chase is entitled to remove this action to this Court under 28 U.S.C. § 1441, *et seq.*

9. A prior action between these parties, but involving different property, was removed to this court and assigned to the Honorable Gerald E. Rosen. See Case No. 2:09-CV-14094.

WHEREFORE, Chase respectfully requests that this Court take jurisdiction over this action and grant such other relief as the Court deems proper.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/ Paul L. Nystrom

Joseph H. Hickey (P41664)

Paul L. Nystrom (P57067)

Attorneys for JPMorgan Chase Bank, N.A.

39577 Woodward Avenue, Suite 300

Bloomfield Hills, MI 48304

(248) 203-0700

Date: May 28, 2010

DYKEMA GOSSETT-A PROFESSIONAL LIMITED LIABILITY COMPANY-39577 WOODWARD AVENUE-SUITE 300-BLOOMFIELD HILLS, MICHIGAN 48304

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and I hereby certify that I have mailed by United States Postal Service the paper to the following:

Valerie Moran
The Moran Law Firm
115 N. Center, Suite 203
Northville, MI 48167

By: /s/ Paul L. Nystrom

Joseph H. Hickey (P41664)
Paul L. Nystrom (P57067)
Attorneys for JPMorgan Chase Bank, N.A.
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
248-203-0700
jhickey@dykema.com
pnystrom@dykema.com

BH01\1159746.1
ID\PLN - 008241/0506

DYKEMA GOSSETT-A PROFESSIONAL LIMITED LIABILITY COMPANY-39577 WOODWARD AVENUE-SUITE 300-BLOOMFIELD HILLS, MICHIGAN 48304

INDEX OF EXHIBITS

- A. Summons, Complaint and Jury Demand
- B. LPS Field Services, Inc.'s Corporate Information
- C. Fidelity Information Services, Inc.'s Corporate Information
- D. Washington Mutual, Inc.'s Corporate Information
- E. Washington Mutual Bank, FA's Corporate Information

EXHIBIT A

Summons, Complaint and Jury Demand

To order this form, call (517) 371-1211, 84/27/10, 89:85:47, 92848
Target Information Management, Inc.

Approved, SCAO

Original - Court
1st copy - Defendant

STATE OF MICHIGAN

JUDICIAL DISTRICT

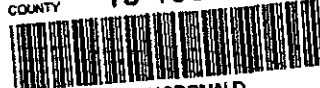
JUDICIAL CIRCUIT

COUNTY PROBATE

SUMMONS AND COMPLAINT

OAKLAND
COUNTY

10-109641-CH

JUDGE JOHN J. McDONALD
FARRIS, LOVELL v JP MORGAN CHA

Court telephone no.

Court address

Plaintiff's name(s), address(es), and telephone no(s).

Lovell Farris

Defendant's name(s), address(es), and telephone no(s).

JP Morgan Chase Bank NA

Plaintiff's attorney, bar no., address, and telephone no.

VALERIE MORAN PS6498
115 N Center #203
Northville MI 48167
248-465-9400BY
DEPUTY COUNTY CLERK

APR 26 PM 4:28

RECEIVED FOR FILING
AND COUNTY CLERK**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued APR 26 2010

This summons expires JUL 26 2010

Court clerk

RUTH JOHNSON

*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT. Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
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General Civil Cases

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Docket no.	Judge	Bar no.
09-102262-CH	McDonald	#13

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Date

4/26/10

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (3/08) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

COURT

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Approved, SCAO

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STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

Lovell Farms et al

Defendant's name(s), address(es), and telephone no(s).

LPS Field Services
A Foreign Corporation

Plaintiff's attorney, bar no., address, and telephone no.

Valerie Moran PS6458
115 N Center #203
Northville MI 48167
248-465-7400

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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Issued **APR 26 2010** This summons expires **JUL 26 2010** Court clerk **RUTH JOHNSON**

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VENUE

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4/26/10

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STATE OF MICHIGAN

JUDICIAL DISTRICT

JUDICIAL CIRCUIT

COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

Lovell Farris et al

Plaintiff's attorney, bar no., address, and telephone no.

Valerie Moran PS6498
115 N Center #203
Northville MI 48167
248-965-9400

Defendant's name(s), address(es), and telephone no(s).

Washington Mutual Bank, Inc

BY
DEPUTY COUNTY CLERK

2010 APR 26 PM 4:32

RECEIVED FOR FILING
CLERK AND COUNTY CLERK

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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RUTH JOHNSON

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VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

Date

4/26/10

Signature of attorney/plaintiff

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MC 01 (3/08) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.208(A)**COURT**

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STATE OF MICHIGAN

JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

Lovell Farms et al

Defendant's name(s), address(es), and telephone no(s).

John Doe One

Plaintiff's attorney, bar no., address, and telephone no.

Valerie A. Moran PS6498
115 N. Center #203
Northville MI 48167
248-465-9400BY:
DEPUTY COUNTY CLERK

2010 APR 26 PM 4:31

RECEIVED FOR FILING
CLERK AND COUNTY CLERK**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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Issued APR 26 2010

This summons expires JUL 26 2010

Court clerk

RUTH JOHNSON

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Docket no.

Judge

Bar no.

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Judge

Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)

Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Date

4/26/10

Signature of attorney/plaintiff

Valerie Moran

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MC 01 (3/08) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a); (b), MCR 3.206(A)

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Approved, SCAO

Original - Court
 1st copy - Defendant

2nd copy - Plaintiff
 3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT
 JUDICIAL CIRCUIT
 COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

~~REDACTED~~
 Lovell Farris et al

Plaintiff's attorney, bar no., address, and telephone no.

Valerie A. Moran PS6498
 115 N Center #203
 Northville MI 48167
 248-465-9400

Defendant's name(s), address(es), and telephone no(s).

Fidelity Information
 Services, Inc

BY:
 DEPUTY COUNTY CLERK

2010 APR 26 PM 4:38

RECEIVED FOR FILING
 CLERK AND COUNTY CLERK

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VENUE

Plaintiff(s) residence (include city, township, or village)

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Place where action arose or business conducted

Date

4/26/10

Signature of attorney/plaintiff

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MC 01 (3/08) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.208(A)

COURT

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Target Information Management, Inc.

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

Lovel Farris et al

Defendant's name(s), address(es), and telephone no(s).

John Doe Two

Plaintiff's attorney, bar no., address, and telephone no.

Valerie A. Moran PS6498
115 N Center #203
Northville MI 48167
248-465-9400BY:
DEPUTY COUNTY CLERK

2010 APR 26 PM 4:34

RECEIVED FOR FILING
CLERK AND COUNTY CLERK**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

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Bar no.

VENUE

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Defendant(s) residence (include city, township, or village)

Place where action arose or business conducted

Date

4/26/10

Signature of attorney/plaintiff

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MC 01 (3/08) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

COURT

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LOVELL FARRIS,
SCHAFER INVESTMENTS, LLC
A Michigan Limited Liability Company
PLAINTIFFS

VS

JPMORGAN CHASE BANK, N.A.
A New York Corporation
WASHINGTON MUTUAL BANK, Inc.
A former New York corporation
LPS FIELD SERVICES, INC.
A Foreign Profit Corporation
FIDELITY INFORMATION SERVICES, INC.
A foreign Profit Corporation
JOHN DOE ONE
individually
JOHN DOE TWO
Individually
jointly and severally
DEFENDANTS

Case No:
Hon:

CH

OAKLAND
COUNTY

10-109641-CH



JUDGE JOHN J. McDONALD
FARRIS, LOVELL v JP MORGAN CHA

By: DEPUTY CLERK

2010 APR 26 PM 4:25

VALERIE MORAN (P 56498)
THE MORAN LAW FIRM
Attorney for Plaintiffs
115 N. Center Suite 203
Northville, MI 48167
Ph: 248-465-9400

COMPLAINT AND JURY DEMAND

NOW COME the Plaintiffs, LOVELL FARRIS and SCHAFER INVESTMENTS, LLC,
by and through their attorney, VALERIE MORAN and states as follows:

1. Plaintiff, LOVELL FARRIS, is a resident of the County of Oakland, State of Michigan.
2. PLAINTIFF, SCHAFER INVESTMENTS, LLC, is a Michigan Limited Liability

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Company of which Plaintiff, Lovell Farris, is a member and which conducts business in the jurisdiction in which this matter is filed..

3. Defendant JP MORGAN CHASE, NA, is a National Association Bank, regulated by the Comptroller of the Currency, and, upon information and belief, is a New York Corporation who is conducting business in the County of Oakland, State of Michigan (Defendant JP MORGAN CHASE, N.A. sometimes hereinafter referred to as "CHASE")

4. Defendant, WASHINGTON MUTUAL BANK, Inc. is, upon information and belief, no longer conducting business and whose assets and loans may now owned by JP MORGAN CHASE BANK, N.A., a New York Corporation. . (Hereinafter sometimes referred to as WAMU)

5. Defendant, FIDELITY INFORMATION SERVICES, INC., is upon information and belief: a Foreign Profit Corporation, conducting business in the County of Oakland, State of Michigan whose State of Michigan. sometimes referred to as "FIDELITY")

6. Defendant, LPS FIELD SERVICES, INC., is upon information and belief: a Foreign Profit Corporation, conducting business in the County of Oakland, State of Michigan whose State of Michigan. (Hereinafter sometimes referred to as "LPS")

7. Defendants, JOHN DOE ONE and JOHN DOE TWO, upon information and belief is an employee and/or agent of and/ or independent contractor of Defendant FIDELITY and/or some or all of the other Defendants and, who, upon information and belief, resides in the State of Michigan and conducts business in the County of Wayne, State of Michigan.

8. Plaintiff, SCHAFER INVESTMENTS, LLC (of which LOVELL FARRIS, is a member) is the owner of the real property which is the subject of this litigation. (Exhibit 1 Deed)

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9. Said property is located in Oakland County, State of Michigan is commonly referred to as:

38 Liberty, Pontiac, MI. The Legal Description is attached (See page 2 of Exhibit 1)

10. The Defendant WASHINGTON MUTUAL BANK, was the original mortgagee and the Plaintiff SCHAFFER is the mortgagor on a mortgage which is recorded in Oakland County.

11. Upon information and belief, the mortgage is now held by CHASE as mortgagee due to the purchase of all WAMU loans and assets and, upon information and belief, said mortgage and mortgage note are in the possession of mortgagee, Defendant CHASE. **(Mortgage attached as Exhibit 2)**

12. This matter concerns real property located in Wayne County and documents recorded in Wayne County, therefore jurisdiction is proper.

COMMON ALLEGATIONS

13. The Plaintiffs hereby reallege each and every preceding paragraph, as if it had been fully set forth.

14. On or about April 24, 2009, Defendant JOHN DOES, upon information and belief, acting on behalf of, or under the instruction of, some of all of the other Defendants, entered and trespassed onto Plaintiff's property located at 38 Liberty Pontiac, MI without Plaintiff's prior knowledge or permission.

15. Defendants JOHN DOES, while on site at the property and in violation of Michigan law, removed locks on the property and changed the locks such that the Plaintiff was locked out of the property in violation of MCL 600.2918 et seq..

16. While on site at the property, Defendant JOHN DOE, Plaintiff's neighbor arrived and put Defendant on notice that the property was not vacant and was in fact being cleaned, and

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remodeled for a new tenant and that the home contained property within that he intended to remove.

17. Defendant JOHN DOES, refused to cease but advised neighbor they would not change the side door lock to would allow him access through the side door. However, contrary to their representations all locks were changed.

18. Defendant JOHN DOES, while acting on behalf of and/or under the instruction of the other Defendants, advised said handyman that he was from the bank and that Plaintiff's home was in foreclosure in violation of MCL 445.252 et seq.

19. Defendant, JOHN DOES removed all locks from all doors

20. As a direct and proximate result of the inadequate securing of the property by Defendants the property was vandalized and damaged in a manner including but not limited to:

- a. side door and doorwall damaged by bolts drilled into the door and doorwall
- b. front picture window was broken and window fame damaged by drilling into the Side of the frame
- c. property broken into due to substandard securitization
- d. additional window broken

21. Defendants actions were a clear breach of Plaintiff's mortgage contract of which, upon information and belief, is now held by Defendant CHASE.

22. Defendant JOHN DOES, while acting on behalf of or under the instruction of Defendants, placed a neon orange sticker on the front door in plain view of the public in violation of MCL 445.252(m)

23. Calls to the phone number on the neon orange sticker have, to date, gone unreturned.

24. Plaintiff was humiliated and embarrassed by Defendant's JOHN DOE'S statements and actions which have resulted in questions from neighbors.

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COUNT-I - TRESPASS AND VIOLATION OF MCL 600.2918et seq

25. The Plaintiffs hereby reallege each and every preceding paragraph, as if it had been fully set forth.

26. On or about April 24, 2009, Defendants and/or Defendant's employee and/or agent trespassed on to Plaintiff's property, and while trespassing, interfered with Plaintiff's lawful possessory interests in the property by removing all locks and padlocked the front entry door and side entry door of the home thereby locking Plaintiff out of the property in violation of MCL 600.2918 et seq.

27. Said lockout was intentional, reckless and wanton as Defendant was on notice and specifically advised that the property was not vacant, but undergoing repairs and clean up for a new tenant. Despite, this knowledge, Defendant continued removing all locks and the subsequently "secured" the property in a substandard manner resulting in vandalism and damage to the property.

28. As a result of said trespass and lock out, Plaintiff continues to be denied access to the property and lost the tenant who had planned to rent the property. As a result, Plaintiff was damaged as hereinafter more fully set forth.

29. As a result of said trespass and lock out, Plaintiff's property was "secured" in a substandard manner which allowed vandals to enter and damage the property which had just been cleaned remodeled for the new upcoming tenant. As a result, Plaintiff was damaged as hereinafter more fully set forth.

COUNT -II - BREACH OF CONTRACT

30. The Plaintiffs hereby reallege each and every preceding paragraph, as if it had been

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fully set forth.

31. The mortgage contract on the aforementioned property, was entered into by Plaintiffs and the Defendant WAMU, FA, (now upon information and belief, held by Defendant CHASE).

(Mortgage attached as Exhibit 2)

32. Upon information and belief, said contract was entered into in Wayne County, for the aforementioned residential real property located in Wayne County and said mortgage was recorded in the Wayne County Register of Deeds.

33. The Defendants have duties to the Plaintiffs as set forth under the terms of said mortgage.

34. Defendant's, through their acts and omissions breached their duties to Plaintiffs.

35. As a result of the Defendants breach, the Plaintiffs were damaged.

36. As a result of Defendants acts and omissions, Plaintiffs suffered losses and were damaged as set forth herein.

COUNT -III - VIOLATIONS OF MICHIGAN DEBT COLLECTION STATUTE
MCL 445.252et seq

37. The Plaintiffs hereby reallege each and every preceding paragraph as if it had been fully set forth.

38. The Defendants intentionally made false representations of material fact to Plaintiffs agent while Plaintiff was on the phone by advising that they could padlock the home as the house was "on the foreclosure list."

39. Plaintiff, Lovell Farris has been repeatedly and continuously received harassing phone calls from "Washington Mutual" debt collectors, sometimes more than 10 times per day during both

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working and non-working hours.

40. Plaintiff, Lovell Farris has been "hung up on" by "Washington Mutual" representatives on numerous occasions when he has requested the last name or customer identification number of said representative.

41. **Defendants actions are improper, malicious, designed to harass and intimidate this senior citizen Plaintiff Farris, (member of Schaffer) and a clear violation of MCL 445.252 *et seq.***

COUNT - IV- NEGLIGENCE

42. The Plaintiffs hereby reallege each and every preceding paragraph as if it had been fully set forth.

43. Defendants has a duty to abide by the terms of the mortgage contract.

44. Defendants failed to properly "secure" the property.

45. Defendants knew or should have reasonably known that such substandard securitization would result in breaking and entering and subsequent damage to the property.

46. Defendants knew or should have reasonably known that locking Plaintiffs out of the property that contained Plaintiffs belongings and was being remodeled and cleaned and that contained a tenant waiting to move into would damage Plaintiffs.

47. As a direct and proximate cause of all of the Defendants acts and omissions, Plaintiffs lost the tenant and thereby lost revenues and were damaged.

48. As a direct and proximate cause of all of the Defendants acts and omissions, Plaintiffs home was vandalized and damaged, thus causing losses and damage to Plaintiffs.

49. As a direct and proximate cause of all of the Defendants acts and omissions, Plaintiffs were damaged as set forth herein.

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COUNT - V - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

50. The Plaintiffs hereby reallege each and every preceding paragraph as if it had been fully set forth.

51. The Defendant's conduct as set forth above was intentional.

52. The Defendant's conduct as outlined above was extreme, outrageous, and of such a character not to be tolerated by civilized society.

53. Defendant engaged in conduct for an ulterior motive or purpose.

54. Defendant's conduct resulted in severe and serious emotional distress, embarrassment and humiliation.

55. As a direct and proximate result of Defendant's conduct, Plaintiff has been damaged in the manner outlined herein.

COUNT- V - DAMAGES

56. Plaintiffs hereby re-allege each and every preceding paragraph as if it had been fully set forth.

57. As a direct and proximate cause of the acts and omissions of Defendants, Plaintiffs have been damaged as herein including but not limited to the following:

- a. compensatory damages consequential damages in whatever amount they are found to be entitled including by not limited to damages to credit, loss of time, loss of rent, embarrassment, humiliation, shame and extreme mental worry.
- b. Fair market value of lost property and damage to property as determined pursuant to Michigan Law.
- c. Declaratory and/ or injunctive relief as allowed by applicable statute. Exemplary damages and punitive damages commensurate with the


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wrong and the defendant's ability to pay including in an amount in excess of 75,000.00 resulting from defendants intentional and malicious actions.

- d. Interests, costs, and reasonable and/or actual attorney fees as set forth by Applicable statutes, treble damages as allowed by MCL 600.2918 et seq, MCL 445.257 et seq or other applicable statutes.
- e. Award of monetary and equitable damages and any other damages that are fair and in accordance with the evidence produced at trial, but in no case less than \$75,000.00.
- f. Reasonable attorney fees as mandated by MCL 445.257et seq and any other applicable statute.

WHEREFORE, the Plaintiffs pray for judgment that is equitable, fair and in accordance with the evidence produced at trial.

RESPECTFULLY SUBMITTED:

BY: 
VALERIE A. MORAN (P 56498)
Attorney for Plaintiff
115 Center Street Suite 203
Northville, MI 48168
Phone: 248-465-9400

Dated: April 23, 2010


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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

LOVELL FARRIS
SCHAFFER INVESTMENTS, LLC
A Michigan Limited Liability Company
PLAINTIFFS

vs

Case No:
Hon:

OAKLAND
COUNTY 10-109641-CH

JUDGE JOHN J. McDONALD
FARRIS, LOVELL v JP MORGAN CHA

JPMORGAN CHASE BANK, N.A.
A New York Corporation
WASHINGTON MUTUAL BANK, Inc.
A former New York corporation
LPS FIELD SERVICES, INC.
A Foreign Profit Corporation
FIDELITY INFORMATION SERVICES, INC.
A foreign Profit Corporation
JOHN DOE ONE
individually
JOHN DOE TWO
Individually
jointly and severally
DEFENDANTS

BY:
DEPUTY COUNTY CLERK

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VALERIE MORAN (P 56498)
THE MORAN LAW FIRM
Attorney for Plaintiffs
115 N. Center Suite 203
Northville, MI 48167
Ph: 248-465-9400

JURY DEMAND

Now come the Plaintiffs and hereby make a Demand for Jury Trial on each and every
issue of the above entitled cause.

RESPECTFULLY SUBMITTED:

BY:


VALERIE A. MORAN (P 56498)

Attorney for Plaintiff

Dated: April 23, 2010

EXHIBIT B

LPS Field Services, Inc.'s Corporate Information



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Lps Field Services, Inc

30825 Aurora Rd Ste 140
Solon, OH 44139

Phone: (440) 349-1279

Website: Information not found (?)

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The ads are not affiliated with Lps Field Services, Inc

Business Categories

Inspection and testing services in Solon, OH
Business Services, All Other Professional, Scientific, and Technical Services

Lps Field Services, Inc Business Information [Claim This Profile](#)

Lps Field Services, Inc is a private company categorized under Inspection Service and located in Solon, OH. Current estimates show this company has an annual revenue of \$530,000 and employs a staff of approximately 5.

Also Does Business As

Information not found (?)

HQ, Branch or Single Location

Single Location

Annual Sales (Estimated)

 [View Details](#)

Employees (Estimated)

5



Your organization's IP
this time.

Reason: The Websense

URL: http://view.at
 =http://ecnex
 =1255&pid=1

SIC Code and Description

 [View Details](#)

NAICS Code and Description

541990, All Other Professional, Scientific,
 and Technical Services

Products, Services and Brands

Information not found (?)

State of Incorporation

Information not found

Years in Business

11

Company Contacts

Contact Name	Gender	
Mitch Schneider , Vice President	—	Claim This Profile

Click on the [reports tab](#) at the top of the page to research company background, detailed company profile, credit and financial reports for Lps Field Services, Inc.

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Table of Contents

TABLE OF GUARANTOR REGISTRANTS


Exact Name of Additional Registrant as Specified in its Charter/Constituent Documents*	State or Other Jurisdiction of Incorporation or Organization	Primary Standard Industrial Classification Code Number	I.R.S. Employer Identification Number
A.S.A.P. Legal Publication Services, Inc.	California	7389	68-0112549
Aptitude Solutions, Inc.	Florida	7389	59-3746614
Arizona Sales and Posting, Inc.	Arizona	7389	86-0711879
Chase Vehicle Exchange, Inc.	Delaware	7389	01-0626014
DOCX, LLC	Georgia	8732	31-1379586
Espiel, Inc.	Delaware	7371	13-3737393
Fidelity National Loan Portfolio Services, Inc.	California	7389	94-1623891
Financial Systems Integrators, Inc.	Delaware	7389	94-3373745
FIS Capital Markets, LLC	Delaware	7389	20-2977448
FIS Data Services, Inc.	California	7374	95-4237556
FIS Tax Services, Inc. f/k/a Fidelity National Tax Services, Inc.	California	7389	95-3932563
FIS Valuation Solutions, LLC f/k/a Hansen Quality, LLC	California	7389	68-0505888
FNIS Flood Group, LLC	Delaware	7389	01-0616963
FNIS Flood of California, LLC	Delaware	7389	01-0616992
FNIS Intellectual Property Holdings, Inc.	Delaware	7389	01-0560719
FNIS Services, Inc.	Delaware	7389	74-3026433
Geotrac, Inc.	Delaware	7389	34-1966375
Indiana Residential Nominee Services, LLC	Indiana	7389	75-3064873
Investment Property Exchange Services, Inc.	California	6798	33-0320249
Lender's Service Title Agency, Inc.	Ohio	7389	25-1372340
LPS Agency Sales and Posting, Inc.	California	7389	94-2882944
LPS Asset Management Solutions, Inc.	Colorado	7389	84-1477780
LPS Field Services, Inc.	Delaware	8732	34-1856603
LPS Foreclosure Solutions, Inc.	Delaware	7389	01-0560689
LPS IP Holding Company, LLC	Delaware	7389	51-0658830
LPS Management, LLC	Delaware	7389	26-1550692
LPS Mortgage Processing Solutions, Inc.	Delaware	6163	51-0658830
LPS National Flood, LP	Delaware	7389	75-2597630
LPS Portfolio Solutions, LLC	Delaware	7389	01-0560689
LRT Record Services, Inc.	Texas	7389	75-2366840
LSI Alabama, LLC	Alabama	7389	25-1896393
LSI Appraisal, LLC	Delaware	7389	90-0172717
LSI Maryland, Inc.	Maryland	7389	52-1956911
LSI Title Agency, Inc.	Illinois	7389	90-0172717
LSI Title Company	California	7389	94-2696070
LSI Title Company of Oregon, LLC	Oregon	7389	94-2696070
LSI Title Insurance Agency of Utah, Inc.	Utah	7389	34-2050114
Maine Residential Nominee Services, LLC	Maine	7389	75-3064874
Massachusetts Residential Nominee Services, LLC	Massachusetts	7389	33-1007581
McDash Analytics LLC	Colorado	3826	95-3932563
National Residential Nominee Services Inc.	Delaware	7389	77-0584282
National Safe Harbor Exchanges	California	7389	77-0558360
NewInvoice, L.L.C.	Georgia	8721	58-2493294
OnePointCity, L.L.C.	Ohio	7389	59-2900658
SoftPro, LLC	Delaware	7373	51-0658830
Strategic Property Investments, Inc.	Delaware	7389	94-3382994
Vermont Residential Nominee Services, LLC	Vermont	7389	73-1644259

* The address for each of the additional registrants is c/o Lender Processing Services, Inc., 601 Riverside Avenue, Jacksonville, Florida 32204, telephone (904) 854-5100. The name and address, including zip code, of the agent for service for each additional registrant is Francis K. Chan, Lender Processing Services, Inc., 601 Riverside Avenue, Jacksonville, Florida 32204, telephone (904) 854-5100.



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CORPORATE ENTITY DETAILS

Searched for: LPS FIELD SERVICES, INC.

ID Num: 60276L

Entity Name: LPS FIELD SERVICES, INC.

Type of Entity: Foreign Profit Corporation

Resident Agent: THE CORPORATION COMPANY

Registered Office Address: 30600 TELEGRAPH ROAD STE 2345 BINGHAM FARMS MI 48025

Mailing Address: MI

Formed Under Act Number(s):

Incorporation/Qualification Date: 11-20-2008

Jurisdiction of Origin: DELAWARE

Number of Shares: 1,000

Year of Most Recent Annual Report: 09

Year of Most Recent Annual Report With Officers & Directors: 09

Status: ACTIVE **Date:** Present

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOVELL FARRIS,
SCHAFFER INVESTMENTS, LLC,
A Michigan Limited Liability Company,

Plaintiffs,

v.

Case No: 09-14094

Hon.: Gerald E. Rosen

JP MORGAN CHASE BANK, N.A.,
A New York Corporation,
WASHINGTON MUTUAL BANK,
Now owned by JP Morgan Chase Bank, N.A.,
A New York Corporation,
WASHINGTON MUTUAL BANK, FA,
A Federal Association, now owned by
JP Morgan Chase Bank, N.A.,
A New York Corporation,
FIDELITY INFORMATION SERVICES, INC.,
A Foreign Profit Corporation,
And JOHN DOE, an individual,
Jointly and Severally,

Defendants.

The Moran Law Firm
Valerie Moran (P56498)
115 N. Center Suite 203
Northville, MI 48167
(248) 465-9400

Potestivo & Associates, P.C.
By: Mark E. Bredow (P49744)
Attorneys for Defendant LPS Field
Services, incorrectly named as
Fidelity Information Services, Inc.
811 South Blvd. E., Suite 100
Rochester Hills, MI 48307
(248) 853-4400

**DEFENDANT, LPS FIELD SERVICES, INCORRECTLY NAMED AS FIDELITY
INFORMATION SERVICES, INC.'S, ANSWER TO COMPLAINT AND
AFFIRMATIVE DEFENSES**

NOW COMES Defendant, LPS Field Services, Inc. (incorrectly listed as the Defendant, Fidelity Information Services, Inc. (hereinafter "LPSFS"), by and through its attorney, Potestivo & Associates, P.C., and for its Answer to Complaint states as follows:

1. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
2. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
3. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
4. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
5. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
6. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, denies that Fidelity Information Systems, Inc. is properly joined in this cause, denies that it has any involvement whatsoever with this case. Defendant, LPSFS, states that Plaintiff has named an incorrect party, Fidelity Information Services, Inc. is an incorrect party, and that LPS Field Services, Inc. (LPSFS) is a proper

defendant. LPSFS is a Delaware Corporation, and is foreign corporation and is a wholly owned subsidiary of Fidelity National Information Services, Inc. (FIS).

7. Defendant, LPSFS, denies the allegations in this paragraph for the reason that they are untrue; Defendant, LPSFS, denies that Fidelity Information Systems, Inc. is properly joined in this cause, denies that it has any involvement whatsoever with this case. LPSFS lacks sufficient information to form a belief as to whether JOHN DOE is and agent or contractor of FIDELITY; LPSFS admits that John Doe is conducts business within Wayne County Michigan.
8. Defendant, LPSFS, denies the allegations in this paragraph for the reason that they are untrue. LPSFS denies that Lovell Farris has any interest in the property located at 19401 Harlow, Detroit, Michigan ("the property"). LPSFS admits that Shaefer Investments, LLC formerly had an interest in the property but that states that such interest has been terminated. Shaefer Investments executed a Note and mortgage upon the property; the mortgage was recorded in the Wayne County Register of Deeds at Liber 41493, Page 855. Plaintiff defaulted on the terms of that Note and the mortgagee commenced foreclosure proceedings. On June 3, 2009, the property was the subject of a lawful foreclosure sale and a Sheriffs Deed on Mortgage Foreclosure was recorded at Liber 47976 and Page 641-651, Wayne County Records. The redemption period for this foreclosed property has expired and Affidavit of Abandonment pursuant to MCL 600.3241a, was recorded September 2, 2009, at Liber 48101 and Page 1481-1482 as evidence of the expiration.
9. Defendant, LPSFS, admits the allegations in this paragraph.

10. Defendant, LPSFS, admits that Washington Mutual Bank, FA was formerly a mortgagee, but denies that either Plaintiff is a mortgagor at this time for the reasons stated in paragraph 8 above.
11. Defendant, LPSFS, admits the allegations in this paragraph, however Defendant, LPSFS, denies that Fidelity Information Systems, Inc. is properly joined in this cause, denies that it has any involvement whatsoever with this case.
12. Defendant, LPSFS, admits the allegations in this paragraph.
13. LPSFS realleges its forgoing answers as fully restated herein.
14. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
15. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
16. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
17. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
18. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.

19. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
20. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
21. Defendant, LPSFS, denies the allegations in this paragraph for the reason that they are untrue.
22. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
23. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
24. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
25. Defendant, LPSFS, denies the allegations in this paragraph for the reason that they are untrue.
26. Defendant, LPSFS, restates its preceding answers as fully restated herein.
27. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.

28. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
29. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
30. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
31. Defendant, LPSFS, restates its preceding answers as fully restated herein.
32. Defendant, LPSFS, admits the allegation.
33. Defendant, LPSFS, admits the allegation.
34. Defendant, LPSFS, denies that allegation as it relates to LPSFS because it is untrue.
LPSFS owes no duties to Plaintiff's as stated in the mortgage described.
35. Defendant, LPSFS, denies that allegation as it relates to LPSFS because it is untrue.
LPSFS owes no duties to Plaintiff's as stated in the mortgage described. With respect to the other defendants, LPSFS neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
36. Defendant, LPSFS, denies that allegation as it relates to LPSFS because it is untrue.
LPSFS owes no duties to Plaintiff's as stated in the mortgage described and denies that any duties, if found to exist, were breached. With respect to the other defendants, LPSFS

neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.

37. Defendant, LPSFS, denies the allegations in this paragraph; With respect to the other defendants, LPSFS neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
38. Defendant, LPSFS, restates its preceding answers as fully restated herein.
39. Defendant LPSFS denies that it made any misrepresentations to Plaintiff's, and as to the remaining defendants, LPSFS neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
40. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
41. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
42. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph; Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations. Defendant, LPSFS, further states that it not a debt collector. Defendant, LPSFS, further alleges that the Plaintiffs are not consumers, nor is the "debt" primarily for personal or consumer purposes, and Plaintiff is not a protected person under the statute.

43. Defendant, LPSFS, restates its preceding answers as fully restated herein.
44. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
45. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
46. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
47. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
48. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
49. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
50. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
51. Defendant, LPSFS, restates its preceding answers as fully restated herein.

52. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
53. Defendant, LPSFS, denies that allegation because it is untrue.
54. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
55. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
56. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.
57. Defendant, LPSFS, restates its preceding answers as fully restated herein.
58. Defendant, LPSFS, neither admits nor denies the allegations in this paragraph;
Defendant, LPSFS, lacks sufficient information to form a belief as to the truth of the allegations.

Wherefore Defendant LPSFS, incorrectly identified as Fidelity Information Services, Inc., hereby requests that the court deny the relief requested, dismiss Plaintiff's complaint in its entirety as to Fidelity, LPSFS and all other parties defendant, and for such other relief as the court deems appropriate under the circumstances presented.

Dated: October 15, 2009

/s/ Mark E. Bredow
Potestivo & Associates, P.C.
By: Mark E. Bredow (P49744)
Attorney for LPS Field Services, Inc. incorrectly
identified as Fidelity Information Services, Inc.
811 South Blvd. E, Suite 100
Rochester Hills, MI 48307
(248) 853-4400
mbredow@potestivolaw.com

AFFIRMATIVE DEFENSES

1. Plaintiff, Lovell Farris lacks an interest in the property that is identified in the suit and lacks standing.
2. Plaintiff, Schaffer Investments, LLC, has lost its interests in the property by operation of law and lacks standing.
3. Plaintiffs have failed to state a claim upon which relief can be granted.
4. Plaintiff's have failed to join all proper parties in interest.
5. Plaintiffs' claims are barred by the statute of limitations.
6. Plaintiffs have failed to mitigate their damages.
7. Plaintiffs' claims are barred by the doctrine of unclean hands.
8. Plaintiffs' claims are contrary to public policy.
9. Plaintiffs' claims are barred by statute.

10. Plaintiffs' claims are barred by the Doctrine of Estoppel.
11. Plaintiffs' claims are barred by the Doctrine of Accord and Satisfaction.
12. Plaintiffs' claims are barred by the Doctrine of Consent.
13. Plaintiffs' claims are barred by the Doctrine of Waiver.
14. Plaintiffs' claims are barred by the Doctrine of Release.
15. Plaintiffs' claims are barred by the failure of a Condition Precedent.
16. Plaintiffs' claims are barred by the failure of a Condition Subsequent.
17. Plaintiffs' claims are barred by the Statute of Frauds.
18. Plaintiffs' claims are barred by the Parol Evidence Rule.
19. Plaintiffs first breached the mortgage contract.
20. Plaintiffs' damages are the sole result of their own negligence and/or breach of contract.
21. Plaintiffs did not redeem the property within the statutory period.
22. Plaintiffs' claims are barred by Res Judicata.
23. There is no genuine issue of material fact and Defendants are entitled to judgment or partial judgment as a matter of law.
24. LPSFS reserves the right to amend its affirmative defenses pursuant to the terms of MCR 2.118

Dated: October 15, 2009

/s/ Mark E. Bredow
Potestivo & Associates, P.C.
By: Mark E. Bredow (P49744)
Attorney for LPS Field Services, Inc. incorrectly
identified as Fidelity Information Services, Inc.
811 South Blvd. E, Suite 100
Rochester Hills, MI 48307
(248) 853-4400
mbredow@potestivolaw.com

CERTIFICATE OF SERVICE

I, Nicole L. Soper, state that on the 20th day of October 2009, I served a copy of Defendant, LPS Field Services, Incorrectly Named as Fidelity Information Services, Inc.'s, Answer to Complaint and Affirmative Defenses and this Proof of Service upon:

The Moran Law Firm
Attn: Valerie Moran, Esq.
115 N. Center, Suite 203
Northville, MI 48167

Dykema Gossett PLLC
Attn: Paul L. Nystrom, Esq.
39577 Woodward Ave., Ste. 300
Bloomfield Hills, MI 48304

by placing same in a well sealed envelope, First Class Mail, with the proper prepaid postage thereon and depositing same to a USPS receptacle in the City of Rochester Hills, State of Michigan.

Respectfully Submitted

Potestivo & Associates P.C.

/s/ Nicole L. Soper
Nicole L. Soper
Legal Assistant

EXHIBIT C

Fidelity Information Services, Inc.'s Corporate Information

Text + | Text -


BUSINESS AND COMMERCIAL (UCC) SERVICES**Search Incorporations, Cooperatives, Banks and Insurance Companies**[Printer Friendly Version](#)For service of process contact the [Secretary of State's office](#).

Corporation Name	FIDELITY INFORMATION SERVICES, INC.
Fictitious Names	N/A
Filing #	100050067
Filing Type	For Profit Corporation
Filed under Act	Dom Bus Corp; 576 of 1965
Status	Good Standing
Principal Address	
Reg. Agent	THE CORPORATION COMPANY
Agent Address	124 WEST CAPITOL AVENUE SUITE 1900 LITTLE ROCK, AR 72201
Date Filed	06/15/1967
Officers	LEE A. KENNEDY , President RONALD D. COOK , Vice-President CHARLES H KELLER , Secretary MICHAEL E. SAX , Treasurer RICHARD L COX , Controller ANDREA GERHART , Tax Preparer
Foreign Name	N/A
Foreign Address	
State of Origin	N/A
Purchase a Certificate of Good Standing for this Entity	Pay Franchise Tax for this corporation

LLC Member information is now confidential per Act 865 of 2007

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Labor & Economic Growth**

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CORPORATE ENTITY DETAILS

Searched for: FIDELITY INFORMATION SERVICES, INC.

ID Num: 616562

Entity Name: FIDELITY INFORMATION SERVICES, INC.

Type of Entity: Foreign Profit Corporation

Resident Agent: THE CORPORATION COMPANY

Registered Office Address: 30600 TELEGRAPH ROAD STE 2345 BINGHAM FARMS MI 48025

Mailing Address:

Formed Under Act Number(s):

Incorporation/Qualification Date: 5-31-1972

Jurisdiction of Origin: ARKANSAS

Number of Shares: 1,000

Year of Most Recent Annual Report: 09

Year of Most Recent Annual Report With Officers & Directors: 09

Status: ACTIVE Date: Present

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EXHIBIT D

Washington Mutual, Inc.'s Corporate Information

Washington Mutual, Inc

1301 2nd Ave
 Seattle, WA 98101-2005
 Public, OTO: **WAMUQ**

Phone: (206) 461-2000

Website: Information not found (?)

Business Categories

Federal savings banks in Seattle, WA
 Savings And Loan Bank, Savings Institutions

Washington Mutual, Inc Business Information

Washington Mutual, Inc is a public company categorized under Federal Savings Banks and located in Seattle, WA. Our records show it was established in 1889 and incorporated in Washington. Current estimates show this company has an annual revenue of \$25,531,000,000 and employs a staff of approximately 49,403.

Also Does Business As

Information not found (?)

HQ, Branch or Single Location

Headquarters

Annual Sales (Estimated)

\$25,531,000,000

Employees (Estimated)

49,403

At this location

150

Ticker Symbol and Exchange

WAMUQ on the OTO

SIC Code and Description

6035, Savings Institutions, Federally Chartered

Stock Quote

NAICS Code and Description

522120, Savings Institutions

Products, Services and Brands

Information not found (?)

State of Incorporation

Washington

Years in Business

121

Company Contacts

Contact Name	Title	Gender
Robert J Williams Jr	President	—

Related Companies

Company Name	Category
Washington Mutual Bank	Federal Savings Banks in Seattle, WA
Washington Mutual	Federal Savings Banks in Seattle, WA

Washington Mutual	Federal Savings Banks in Seattle, WA
Washington Mutual Bank	Federal Savings Banks in Seattle, WA
Washington Mutual Bank	Federal Savings Banks in Seattle, WA

Related Products

Companies in this category usually offer:

Bank Of Hawaii	First National Bank
Heritage Bank	First National Bank Of Omaha
Bank Of China	Bank America
Security Bank	Union Bank
Bank Of Oklahoma	Amsouth Bank

Related Categories

People looking for this company were also interested in:

Federal Reserve Banks	Commercial Banks
Savings Institutions	

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EXHIBIT E

Washington Mutual Bank, FA's Corporate Information

Washington Mutual

(American Savings Bank, F A*)

400 E Main St
Stockton, CA 95202-3000 (Stockton-Lodi, CA Metro Area)

Phone: (209) 460-2888

Website: www.washingtonmutual.com*

Business Categories

Banks in Stockton, CA
Federal Savings Institution Security Broker/Dealer*, Commercial Banking

Washington Mutual Business Information

Washington Mutual is a private company categorized under Federal Savings Banks and located in Stockton, CA. Our records show it was established in 2006* and incorporated in California*. Current estimates show this company has an annual revenue of unknown and employs a staff of approximately 10 to 19.

Also Does Business As

American Savings Bank, F A*

HQ, Branch or Single Location

Branch

Annual Sales (Estimated)

Employees (Estimated)

10 to 19

D&B: 16,760*

At this location

950*

SIC Code and Description

602101, Banks

Products, Services and Brands

Washington Mutual

NAICS Code and Description

522110, Commercial Banking

State of Incorporation

California*

Parent Company

Jp Morgan Chase & CO

Years in Business

4*

Subsidiary

Washington Mutual Bank

Company Contacts

Contact Name	Title	Gender
Rochelle Brown	Manager	F

Related Companies

Company Name	Category
Financial Center Credit Union	Credit Unions in Stockton, CA
Financial Center Credit Union	State Credit Unions in Stockton, CA
Washington Mutual Bank	Federal Savings Banks in Stockton, CA
Bank of the West	Federal Savings Banks in Stockton, CA
Community Trust Credit Union	Credit Unions in Stockton, CA

Related Products

Companies in this category usually offer:

Merrick Bank	Internet Banks
Guaranty Bank	First National Bank
Bank Of Hawaii	Us Bank
Bank Atlantic	Bank Of Texas
Heritage Bank	Hancock Bank

Related Categories

People looking for this company were also interested in:

Federal Reserve Banks	Commercial Banks
Savings Institutions	

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